

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

LANCE EALY,

Case No. 3:15-cv-351

Petitioner,

v.

Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

THE HONORABLE MICHAEL R. BARRETT,
United States District Judge, et al.,

Respondent.

**ENTRY AND ORDER OVERRULING OBJECTIONS (DOC. 7);
ADOPTING REPORT AND RECOMMENDATIONS (DOC. 6) IN THEIR
ENTIRETY; AND TERMINATING THIS CASE**

This habeas corpus case is before the Court on the Objections (Doc. 7) filed by Petitioner Lance Ealy (“Ealy”) to the Report and Recommendations (Doc. 6), in which Magistrate Judge Michael R. Merz recommended that the Court dismiss Ealy’s Petition for Habeas Corpus (Doc. 5) with prejudice.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Ealy’s Objections (Doc. 7) to the Report and Recommendations (Doc. 6) are not well taken and they are hereby **OVERRULED**. The Court **ADOPTS** the Report and Recommendations (Doc. 6) in their entirety and rules as follows:

- The Court **DISMISSES** the Petition for Writ of Habeas Corpus (Doc. 5) with prejudice;
- The Court **CERTIFIES** to the Sixth Circuit that any appeal would be objectively frivolous and therefore Ealy should not be permitted to proceed *in forma pauperis*; and
- The Clerk is **ORDERED** to terminate this case on the docket of this Court.

DONE and **ORDERED** in Dayton, Ohio, this Tuesday, December 1, 2015.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE